

Application of: Colin Cook et al.
Serial No.: 10/792,284
Filed: 3/4/2004
Reply to Office Action of July 9, 2008

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussions, is respectfully requested.

Claims 1-5 are currently pending in the application. Claims 6-16 were previously canceled. No claims have been added or amended herewith.

In the outstanding Office Action, claims 1-5 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. 2002/0038334 (hereinafter "the '334 publication") in view of U.S. Patent No. 7,002,565 (hereinafter "the '565 patent").

With respect to the rejection of claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over the '334 publication in view of the '565 patent, that ground for rejection is respectfully traversed. The Office Action acknowledges that the '334 publication "does not explicitly disclose determining whether a black border is found close to the expected border location and discarding the adjusted screen border and loading a predetermined set of values for the screen border instead." Instead, the Office Action relies on the '565 patent for that limitation. The Office Action asserts the '565 patent "teaches a system and method for determining if a black border is found close to the expected border location," "discarding" and "loading a predetermined set of values for the screen border instead." However, by looking at the "discarding" and "loading" alleged to be performed by the '565 patent, it can be seen that the cited steps are not performed "if no black border is found close to the expected border location" as claimed in claim 1.

The Office Action cites col. 3, lines 1-22, and step 210 of Fig. 2 as disclosing the "discarding" step. However, as shown in Fig. 2, steps 204, 206, 208 and 210 occur at the video source itself, and the '565 patent does not disclose transmitting between the video source and the video display device information about whether a black border is found close to the expected border location -- just whether the characterization is complete. Further, step 210 occurs after the "wait" of step 208, so the '565 patent is not determining the "if" condition before performing

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the alleged “discarding.” In fact, step 210 of Fig. 2 explicitly states “remove predetermined characterization image from video signal” without reference to the conditions under which it occurs.

Col. 3, lines 1-22, further accentuates that the ‘565 patent does not act as alleged. That section states:

The video source 104 first signals the display device 102 to automatically characterize the video signal 106 (204). The video source 104 provides the predetermined characterization image on the video signal 106 (206), *waits for a length of time* (208), and then removes the predetermined characterization image from the video signal 106 (210). Alternatively, in another embodiment, rather than waiting for the length of time in 208, the video source 104 *waits for the display device 102 to signal when the characterization has been completed*, such that the video source 104 then removes the video signal 106 in 210.

The video source 104 may signal the display device 102 to automatically characterize the video signal 106 in a number of different ways, according to varying embodiments of the invention. It may switch the video signal 106 off and back on, causing the display device 102 in one embodiment to re-characterize the video signal 106. The video source 104 may signal the display device 102 over the communications link 108 in one embodiment to characterize the video signal 106. Furthermore, the user may in one embodiment manually indicate to the display device 102 to automatically characterize the video signal.

Thus, that section further confirms that the ‘565 patent does not disclose the “discarding” “if no black border is found close to the expected border location” as claimed in claim 1.

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The Office Action further alleges that "loading a predetermined set of values for the screen border instead" is taught by col. 3, lines 23-45. However, as with the "discarding" step above, the alleged "loading" step is not caused to occur "if no black border is found close to the expected border location" as claimed in claim 1. Furthermore, the Office Action provides no analysis of how the characterization steps meet the "loading" limitation. What values are loaded "instead" in the '565 patent "if no black border is found close to the expected border location"? The Office Action doesn't say.

Since neither of the applied references teaches the same positively recited limitations discussed above, the combination of references must also fail to teach those limitations. Thus, the combination of references does not render obvious the subject matter of claim 1 or its dependent claims 2-5.

Consequently, in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome and the pending claims are in condition for allowance. An early and favorable action to that effect is respectfully requested.

CHARGE STATEMENT: Deposit Account No. 501860, order no. 2540-0702.

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/ Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

CUSTOMER NUMBER
42624

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